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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,865	10/11/2001	John Polk	6556.0003-03000	3546
22852	7590	08/23/2006	EXAMINER KARMIS, STEFANOS	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,865	Applicant(s) POLK, JOHN	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 127-202 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 127-202 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 08 June 2006.

Status of Claims

2. Claims 127-202 are currently pending.

Response to Amendment

3. The declaration filed on 15 May under 37 CFR 1.131 is sufficient to overcome the Remington reference.

Response to Arguments

4. Applicant's arguments filed 15 May 2006 have been fully considered but they are not persuasive. Applicant's remarks regarding Washington EFTP are not persuasive as discussed below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 127-202 are rejected under 35 U.S.C. 103(a) as being unpatentable over Electronic Funds Transfer Project, Final Report, Washington State, October 1994 (Washington EFTP).

9. Claim 127, 135, 143, 144, 145, 154, 163 and 164, Washington EFTP teaches a method for processing a child support obligation of an employee who is a non-custodial parent, to a governmental state entity of the United States, comprising: receiving notice of the child support obligation of the employee; and requesting an employer of the employee to withdraw the child support obligation from a salary of the employee via the accumulator agency, wherein the accumulator agency processes a child support payment as a debit-based transaction and processes a child support disbursement as an addendum-based transaction (pages 5, 8 and 9).

Washington EFTP fails to teach that an accumulator agency, bank and state are separate entities. However, claim 127 does not contain a bank or state in the body of the claim.

Therefore, the recitation that specifies the accumulator agency, the bank and the state be separate

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entities has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Since the body of claim 127 does not depend on the bank or the state, the preamble is not given patentable weight.

Claim 128, 134-136, 141, 142, 146, 151-153, 155, 160-162, 165, 174, 183-185, 193, 201 and 202, Washington EFTP fails to teach terminating the withdrawal of the child support obligation from the salary of the employee upon receipt of notice that the obligations have been fulfilled. Official Notice is taken terminating a payment upon an obligation being fulfilled is old and well known in the financial arts. Therefore, it would be obvious to one of ordinary skill in the art to modify the teachings of Washington EFTP to include terminating the withdrawal upon notice from either the employee or a court that the obligation has been fulfilled because there is no longer a need to have payment forwarded and the employee and court often have superior knowledge of the status of one's financial obligation related to child support payments.

Claims 129, 130, 137, 138, 147, 148, 156, 157, 172, 173, 181, 182, 191, 192, 199 and 200, Washington EFTP teaches that the child support obligation is owed to a custodial parent (page 11). Washington EFTP also teaches that states are involved in the obligations owed, especially when transferring funds from one state to another (page 1).

Claims 131, 132, 139, 140, 149, 150, 158, 159, 166, 167, 170, 171, 175, 176, 179, 180, 186, 187, 188, 189, 190, 194, 195, 196, 197 and 198, Washington EFTP teaches the use of a Court order obligation with a case number file (page 4). Official Notice is taken that an employee requesting a transaction is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Washington EFTP and include the employee requests an employer to withdraw salary for an obligation because the employees often have knowledge of their financial obligations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

08 August 2006



CHARLES R. KYLE
PRIMARY EXAMINER

